

February 9, 2005 Amendment filed by the undersigned by stating that Minners did, indeed, teach the motivation to combine the teachings of these two references in Col. 7, Lines 3-10 of Minners. The Examiner referenced “respective product enhancement via such inclusion.”

The undersigned has carefully reviewed the portion of Minners referenced by the Examiner and remains at a loss to understand how the teachings of Minners would be readily viewed by one of ordinary skill in the art as being combinable with the teachings of Xie et al. to produce the claimed invention. Again, the portion referred to in Minners relates to Figure 8, and Col. 6, Lines 57-67 and Col. 7, Lines 1-9. The embodiment discussed at this portion of Minners involves an actuator having two sections of SMA material 26a and 26b on opposite sides of an actuating arm 12. It is explained that one or the other of the SMA elements 26a or 26b will cause the arm 12 to be moved either upwardly or downwardly to shorten either pair 20a, 20b of signal contacts or pair 20a', 20b' of signal contacts. There is no discussion of using SMA material in particle or fragmentary form dispersed within an adhesive-based material. It appears that the only thing Minners actually discloses is that SMA film-like layers can be used on a substrate to assist in performing an actuator function. It is most respectfully submitted that one of ordinary skill in the art would glean nothing from Minners that suggests using SMA material in particle form within an adhesive material such as that disclosed in Paine et al.

The Examiner is further urged to consider the widely disparate functions of the references that have been cited, compared with the embodiments disclosed in the present application. For example, Claim 1 is directed to “an adhesive compound”

having "an adhesive base material" and "a plurality of SMA particles dispersed within the adhesive base material to improve an impact resistance of the adhesive base material." Minners, for example, does not appear to deal whatsoever with providing SMA material in particle form, for any purpose. Nor does Minners appear to be involved with integrating SMA material inside of another material to provide improved impact strength. Minners relates to actuators, which is where SMA materials have found particular utility, but nevertheless has nothing to do with adhesives or dealing with problems such as improving impact strength by modifying the structural properties of an adhesive.

In view of the foregoing, it is most respectfully requested that the Examiner reconsider the § 103(a) rejection and withdraw same. If the Examiner believes that telephone contact would be helpful in expediting allowance of this application, it is respectfully requested that the undersigned be contacted at the number below at the Examiner's earliest convenience.

Respectfully submitted,

Dated: July 6, 2005

By: 
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